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13
14 **UNITED STATES DISTRICT COURT**
15 **DISTRICT OF NEVADA**
16

17 In re:

18 Joe Brice and Regina Brice,
19
20 Debtors.

Case No.: 2:18-cv-2299-JAD-VCF

21 **Order Granting**
22 **Motion for a Stay of the Entire**
23 **Case in Light of Lapse in**
24 **Appropriations** ECF Nos. 1, 3

25 The United States of America hereby moves for a stay of the entire district
26 court case, and a stay of all related matters in the bankruptcy court case, in the
27 above-captioned case.

28 1. At midnight on December 21, 2018, the continuing resolution that had
been funding the Department of Justice (DOJ) expired and appropriations to the
Department lapsed. The Department does not know when funding will be restored
by Congress.

2. Absent an appropriation or continuing resolution, Department of
Justice attorneys are prohibited from working, even on a voluntary basis, except in
very limited circumstances, including “emergencies involving the safety of human
life or the protection of property.” 31 U.S.C. § 1342.

3. Undersigned counsel for the Department of Justice therefore requests a stay of the entire district court case until Congress has restored appropriations to the Department. In addition, undersigned counsel requests that the Court preserve its jurisdiction over the specific assets as to which withdrawal of the reference is sought, by staying all proceedings in the Bankruptcy Court regarding those assets as well. This motion has not been presented first to the bankruptcy judge, because a stay of this district court action is sought in any event, so the Court should consider both stays simultaneously. See Fed. R. Bcy. P. 5011(c).

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department or enacted another continuing resolution. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of the entire district court case, and of all related matters in the bankruptcy court case, until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

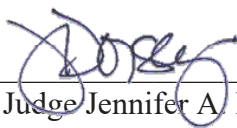
Respectfully submitted this 28th day of December 2018.

DAYLE ELIESON
United States Attorney

s/ Roger W. Wenthe
 ROGER W. WENTHE
 Assistant United States Attorney
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ORDER

Good cause appearing, IT IS HEREBY ORDERED that the motion to stay [ECF No. 3] is GRANTED; this action is STAYED until the funding for the Department of Justice has been restored. Once it has been restored, any party may file a motion to lift this stay. The pending motion [ECF No. 1] is DENIED without prejudice to its prompt refiling once the stay is lifted.



U.S. District Judge Jennifer A. Dorsey
Dated: January 14, 2019